

## REMARKS

Applicant reviewed the Office Action mailed March 16, 2004 and reference cited therein. Claims 25-73 were rejected under the judicially created doctrine of double patenting overcome the claims of U.S. Patent No. 6,698,160. Applicant has enclosed herein a terminal disclaimer to overcome the double patenting rejection.

Claims 38, 39, 43-45, 65 and 67-73 were rejected under 35 USC 103(a) as being unpatentable over Peronek 4,939,890. Peronek '890 discloses a bottle support plate that only supports the bottle from the bottom of the flange. Peronek also discloses that the rotation of the bottle is inhibited by protrusion 88 engaging with and slightly penetrating into the surface of the bottom of the flange. This slight penetration somewhat damages the bottom surface of the flange. The support plate defined in the claims 38 and 65 of the present invention engages the flange of the bottle at least partially at the outer peripheral edge of the flange to inhibit rotation of the bottle during the capping process. This novel support plate design results in the inhibiting or the preventing of the bottle from rotating during the capping process without damage to the bottom surface of the flange. Peronek '890 does not disclose, teach or suggest such a bottle support plate.

Applicant submits that the claims pending in the above-identified patent application are in allowable form and earlier notice to that effect is earnestly solicited.

Respectfully submitted,  
FAY, SHARPE, FAGAN, MINNICH & McKEE

By: 

ROBERT V. VICKERS

Reg. No. 19,504

1100 Superior Avenue, Seventh Floor

Cleveland, Ohio 44114-2579

Telephone: (216) 861-5582

Facsimile: (216) 241-1666